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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,780	11/14/2003	Kevin Joseph Audibert	091395-9409	8784

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EXAMINER	
FERGUSON, MICHAEL P	
ART UNIT	**PAPER NUMBER**
3679	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,780	AUDIBERT ET AL.	
	Examiner	Art Unit	
	Michael P. Ferguson	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 19, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by McClanahan et al. (US 5,628,578).

As to claim 1, McClanahan et al. disclose a shaft coupling element comprising:

a first portion configured for connection to a shaft **16** and a second portion configured for connection to a secondary component;

the first portion comprises first and second spaced apart side walls **56** with a partial cylindrical portion **60** extending therebetween to define a shaft receiving slot, the shaft receiving slot having an axial direction and having an axial opening into the shaft

receiving slot and the partial cylindrical portion having opposite ends in the axial direction;

a through bore **66** extending through the first and second walls; and

a safety notch **70** extending entirely through one of the opposite ends of the partial cylindrical portion adjacent the axial opening into the shaft receiving slot so as to define a radial opening extending from the shaft receiving slot entirely through (a portion of) the cylindrical portion in a direction transverse to the axial direction (Figures 1, 3 and 4).

As to claim 4, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a circular configuration (Figure 3).

As to claim 5, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a u-shaped configuration (Figure 3).

As to claim 6, McClanahan et al. disclose a shaft coupling element wherein the second portion includes a yoke having spaced apart arms **54** with a securement bore **62** extending therethrough (Figure 3).

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Cymbal (US 5,366,316).

As to claim 1, Cymbal discloses a shaft coupling element comprising:

a first portion **108** configured for connection to a shaft **76'** and a second portion **106** configured for connection to a secondary component **46'**;

the first portion comprises first and second spaced apart side walls **118** with a partial cylindrical portion **116A,116B** extending therebetween to define a shaft receiving

slot **114**, the shaft receiving slot having an axial direction and having an axial opening into the shaft receiving slot and the partial cylindrical portion having opposite ends in the axial direction;

a through bore extending through the first and second walls; and

a safety notch extending entirely through one of the opposite ends of the partial cylindrical portion adjacent the axial opening into the shaft receiving slot so as to define a radial opening extending from the shaft receiving slot entirely through the cylindrical portion in a direction transverse to the axial direction (Figure 4).

As to claim 2, Cymbal discloses a shaft coupling element wherein the through bore is at an axial distance from the axial opening into the shaft receiving slot **114** and the safety notch has an axial length that is larger than the distance (Figure 4).

As to claim 3, Cymbal discloses a shaft coupling element wherein the through bore is at an axial distance from the axial opening into the shaft receiving slot **114**, the safety notch has an axial length, and the shaft **76'** is capable of having a forward chamfer having an axial length, wherein the safety notch axial length in combination with the chamfer axial length is larger than the distance (Figure 4).

As to claim 4, Cymbal discloses a shaft coupling element wherein the shaft receiving slot **114** has a circular configuration (Figure 4).

As to claim 5, Cymbal discloses a shaft coupling element wherein the shaft receiving slot **114** has a u-shaped configuration (Figure 4).

As to claim 6, Cymbal discloses a shaft coupling element wherein the second portion **106** includes a yoke having spaced apart arms with a securement bore extending therethrough (Figure 4).

Response to Arguments

5. Applicant's arguments filed September 19, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

> McClanahan et al. do not disclose a shaft coupling element comprising a safety notch extending entirely through one of the opposite ends of the partial cylindrical portion adjacent the axial opening into the shaft receiving slot so as to define a radial opening extending from the shaft receiving slot *through the cylindrical portion in a direction transverse to the axial direction.*

Examiner disagrees. As to claims 1 and 7, McClanahan et al. disclose a shaft coupling element comprising a safety notch **70** extending entirely through one of the opposite ends of the partial cylindrical portion **60** adjacent the axial opening into the shaft receiving slot so as to define a radial opening extending from the shaft receiving slot entirely through (a portion of) the cylindrical portion in a direction transverse to the axial direction (Figure 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to shaft couplings:

DeBisschop (US 5,575,581) is cited for pertaining to couplings comprising a first portion comprising first and second spaced apart side walls and a cylindrical portion, a through bore, and a safety notch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF
09/26/05

Daniel P Stodola

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